

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DIMITRIOS MAGDALINOS,
Plaintiff,

v.

SMITH'S FOOD & DRUG CENTERS, INC.,
Defendant.

Case No. 2:23-cv-02125-ART-NJK

ORDER

[Docket No. 18]

Pending before the Court is the parties' stipulation to extend discovery deadlines by 90 days. Docket No. 18.

A request to extend discovery deadlines must include a statement specifying the discovery completed, a specific description of the discovery that remains, the reasons why the subject deadline cannot be met, and a proposed schedule for completing the outstanding discovery. Local Rule 26-3. The request must also be supported by a showing of good cause. *Id.* The good cause analysis turns on whether the subject deadlines cannot reasonably be met despite the exercise of diligence. *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992). This showing of diligence is measured by the movant's conduct throughout the entire period of time already allowed. *CC.Mexicano.US, LLC v. Aero II Aviation, Inc.*, 2015 U.S. Dist. LEXIS 169110, at *11-12 (D. Nev. Dec. 15, 2015). If diligence is not established, the Court's inquiry should end. *Johnson*, 975 F.2d at 609 (internal citation omitted).

Here, the parties have not demonstrated diligence. This case has been pending since October 4, 2023. Docket No. 1-1. Although the parties submit that they have diligently conducted discovery, the parties have completed a minimal amount of discovery thus far. *See* Docket No. 18 at 2. Such conduct does not establish diligence. Therefore, the Court cannot find good cause and the inquiry ends.

1 Nonetheless, in the interest of deciding this case on its merits, the Court will extend the
2 deadlines by 60 days. During this time, the parties must diligently conduct discovery.
3 Accordingly, the stipulation to extend discovery deadlines is **GRANTED** in part. Docket No. 18.
4 The deadlines are **RESET** as follows:

5	Add/Amend Pleadings:	Closed
6	Initial Experts:	June 24, 2024
7	Rebuttal Experts:	July 26, 2024
8	Discovery Cut-Off:	August 23, 2024
9	Dispositive Motions:	September 23, 2024
10	Joint Pretrial Order:	October 23, 2024, 30 days after the
11		resolution of dispositive motions, or
12		further Court order.

13 IT IS SO ORDERED.

14 Dated: April 9, 2024

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17 Nancy J. Koppe
18 United States Magistrate Judge
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